

Remarks/Arguments

Applicants provisionally elect Group I (claims 1-14 and 17-21), with traverse. In an effort to comply with the species election, applicants make the following provisional elections (with traverse): species (i) -B' is cyclohexylalanine; species (ii)- C' is aspartic acid; and species (iii): B'C' is Cha-Asp. All the pending claims (claims 1-12 and 14-22) read on the elected species.

The office action mailed July 28, 2005 divided the claims into three groups based on Wang et al. (U.S. Patent No. 5,639,594) allegedly anticipating a compound comprising Formula I (Pep-A'-B'-C'-D'). The anticipation argument is based on A' being any amino acid and Wang et al. describing a NS3 epitope comprising Gly-Val-Asn-Ala.

Wang et al. fails to anticipate the claims because, for example, independent claim 1 indicates that "A' is a proline residue which is optionally substituted". Thus, A' does not include Gly as provided for by Wang et al. All of the pending claims ultimately depend from claim 1.

The species election is as follows:

- i. The polypeptide of claim 1, wherein B' is selected from the amino acids listed in claim 5;
- ii. The polypeptide of claim 1, wherein C' is selected from the amino acids listed in claim 7;
- iii. The polypeptide of claim 1, wherein the combination of B'C' is selected from the amino acid pairs listed in claim 9;
- iv. The polypeptide of claim 1, wherein E' is selected from the amino acids listed in claim 11.
- v. The polypeptide of claim 1, wherein A', B', C', D', E' and F' are each selected from the amino acids of claim 12.

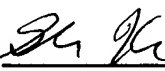
The office action argued for different species on the basis that different species described in the application are allegedly not disclosed as capable of being used together. The application provides for combinations containing one or more species on, for example, pages 20, lines 17-19; page 21, line 14 to page 22 line 6; and page 23, lines 5-11.

An election is not possible with respect to groups iv and v, because claim 11 does not list amino acids for E' and claim 12 does not list amino acids for A', B', C', D', E' and F'.

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Accordingly the claims are in condition for allowance. Please charge deposit account 13-2755 for fees due in connection with this amendment. If any time extensions are needed for the timely filing of the present amendment, applicants petition for such extensions and authorize the charging of deposit account 13-2755 for the appropriate fees.

Respectfully submitted,

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